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Promotion and protection of human rights: implementation of human rights instruments

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Note by the Secretary-General

The Secretary-General has the honour to submit to the General Assembly the report of the chairpersons of human rights treaty bodies on their twenty-first meeting, held at Geneva on 2 and 3 July 2009, pursuant to General Assembly resolution 57/202.

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Report of the chairpersons of the human rights treaty bodies on their twenty-first meeting

Summary

The General Assembly, in its resolution 57/202, requested the Secretary-General to submit to the Assembly the reports of the persons chairing the human rights treaty bodies on their periodic meetings. The present document contains the report on the twenty-first meeting of chairpersons of human rights treaty bodies, which was convened at Geneva on 2 and 3 July 2009, pursuant to Assembly resolution 49/178. The chairpersons considered follow-up to the recommendations of the twentieth meeting and reviewed developments relating to the work of the treaty bodies. They also discussed reform of the treaty body system, including harmonization of working methods and the universal periodic review mechanism of the Human Rights Council, as well as the work of the Council in general. They met with representatives of States parties and the President of the Human Rights Council. The eleventh joint meeting of treaty body chairpersons, special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Council was also held. The chairpersons adopted recommendations, which are contained in section VII of the present report. The reports on the eighth and ninth inter-committee meetings of human rights treaty bodies, which were held at Geneva, from 1 to 3 December 2008 and 29 June to 1 July 2009 respectively, that were considered by the chairpersons are annexed to the present report.

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I. Introduction

1. The twenty-first meeting of chairpersons of the human rights treaty bodies, convened pursuant to General Assembly resolution 49/178, was held at the Office of the United Nations High Commissioner for Human Rights (OHCHR) at Geneva, on 2 and 3 July 2009. The meeting was preceded by the eighth and ninth inter-committee meetings, held from 1 to 3 December 2008 and 29 June to 1 July 2009, respectively.

II. Organization of the meeting

2. The following chairpersons attended: the Chairperson of the Committee on Economic, Social and Cultural Rights, Jaime Marchán Romero; the Chairperson of the Human Rights Committee, Yuji Iwasawa; the Chairperson of the Committee on the Rights of the Child, Yanghee Lee; the Chairperson of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Abdelhamid el-Jamri; the Chairperson of the Committee against Torture, Claudio Grossman; the Chairperson of the Committee on the Elimination of Discrimination against Women, Naéla Gabr; the Chairperson of the Committee on the Elimination of Racial Discrimination, Fatima-Binta Victoire Dah; the Chairperson of the Committee on the Rights of Persons with Disabilities, Mohammed al-Tarawneh; and the Chairperson of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, Víctor Manuel Rodríguez Rescia.

3. Ms. Gabr took the chair as Chairperson/Rapporteur and Ms. Lee and Mr. Al-Tarawneh were affirmed Vice-Chairpersons. The chairpersons adopted the agenda on the basis of the provisional agenda and annotations (HRI/MC/2009/1) and proposed programme of work.

III. Meeting with the President of the Human Rights Council

4. The chairpersons met with Alex Van Meeuwen, the newly elected President of the Human Rights Council, who emphasized the complementary role of the treaty bodies and the Council, in particular in the context of the universal periodic review mechanism, and their mutually reinforcing nature. He underlined the importance of each mechanism maintaining its own integrity. He said that 80 countries had been reviewed under the mechanism, and that there had been repeated references to treaty body outputs during the interactive dialogue, which he considered a positive and very welcome practice. He referred to paragraph 3 (f) of Human Rights Council resolution 5/1, according to which the mechanism should complement and not duplicate other human rights mechanisms, thus representing added value. He also underlined that the mechanism should not be perceived as an appeal mechanism for treaty body recommendations. He noted that dialogue between the Human Rights Council and the treaty bodies was ongoing, and that there should be the continued exchange of views; he also committed himself to meet regularly with the treaty bodies.

5. The chairpersons also stressed that the work of the treaty bodies and the universal periodic review mechanism should be mutually reinforcing and complementary. They were pleased that treaty body recommendations formed a

large part of the compilation report prepared by OHCHR for the universal periodic review mechanism and indicated that the outputs of the mechanism process were very useful for the work of the treaty bodies. The mechanism was referred to as the political sounding box for the recommendations of the treaty bodies, and it was noted that the process could constitute a form of follow-up to treaty body recommendations. The mechanism process had encouraged the treaty bodies to issue even more specific and focused recommendations, which should continue to be taken into account and be accorded greater weight. The chairpersons stressed that the mechanism was not a forum to challenge or reject treaty body recommendations, as far as they derived from legal obligations under the treaties, and counted on the assistance of the Presidency on this matter.

6. The chairpersons noted that almost all States under review in the universal periodic review mechanism process had submitted reports, but there were many States that had not submitted their reports to the treaty bodies, or whose reports, including initial reports were significantly overdue. They suggested that this could be brought up during the mechanism process, with States being asked to explain challenges to treaty body reporting. Stressing that both processes were equally important, the chairpersons noted that significant human, financial and technical resources had been allocated to support the mechanism process, which might have affected the effective functioning of the treaty bodies. Other issues and questions raised related to possible follow-up to the mechanism recommendations and whether some sort of midterm evaluation of the mechanism was under consideration. It was also suggested that a focal point on the mechanism to the treaty bodies could be designated by the Human Rights Council to ensure mutual exchange of information.

IV. Eleventh joint meeting of chairpersons of human rights treaty bodies and special procedures mandate holders

7. On 2 July 2009, the chairpersons met with the mandate holders of the special procedures of the Human Rights Council in a meeting that was co-chaired by the Chairperson of the meeting of chairpersons of the human rights treaty bodies and the Chairperson of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures.

8. Underlining the cross-cutting nature of disability and the fact that discrimination often had multiple facets, the chairpersons encouraged the special procedures to advocate for the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol and to take up the human rights situation of persons with disabilities in the course of their country visits.

9. The treaty body chairpersons underlined that the information gleaned by mandate holders during country visits allowed treaty bodies to assess a country's situation more adequately and engage in more effective dialogue with States parties. Similarly, special procedures mandate holders strongly valued the output of treaty bodies in the preparation of missions and as a basis for dialogue while on country visits. The importance of institutionalizing follow-up was emphasized, and it was suggested that a regular meeting of follow-up rapporteurs of treaty bodies could be convened to deepen exchange of information on experiences and best practices.

10. Country-specific rapporteurs emphasized that they were able to provide information on the enjoyment of the full range of human rights in the States of their mandate. They were also well-placed to engage in follow-up to the recommendations of treaty bodies, encourage States parties to comply with their reporting obligations, and advocate for the participation of national human rights institutions and other parts of civil society in preparing reports. Mandate holders expressed appreciation for the general comments of treaty bodies, including for constructive dialogue with States parties, and encouraged stronger collaboration in other treaty body activities, such as days of general discussion, and proposed a day of discussion with all special procedures and members of treaty bodies.

11. The importance of systematized exchange of information between treaty bodies and special procedures was highlighted, and it was suggested that resources be allocated specifically for that purpose. The use of technology such as online data processes was suggested to facilitate this exchange. Participants highlighted the mutually reinforcing and complementary nature of the processes of the treaty bodies, special procedures and the universal periodic review mechanism, and it was suggested that treaty bodies and special procedures mandate holders jointly request OHCHR to include, in compilation reports, information on the degree to which States parties had cooperated with treaty bodies or special procedures. The Secretariat was asked to prepare a study regarding the allocation of resources to treaty bodies, special procedures and the mechanism.

12. The Chairperson of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment described the mandate of the Subcommittee and that it had similar working methods to those of special procedures, suggesting that the Coordination Committee of special procedures consider including the Subcommittee as an observer.

V. Discussion on equitable geographical distribution

13. Pursuant to resolution 63/167 of the General Assembly, in which the General Assembly requested the chairpersons of the human rights treaty bodies to consider that resolution at their next meeting and to submit, through the United Nations High Commissioner for Human Rights, specific recommendations for the achievement of the goal of equitable geographical distribution in the membership of the human rights treaty bodies, the chairpersons held a discussion on the matter.

14. Noting the importance of this issue, the chairpersons took account of the current membership of treaty bodies, identifying some trends, including the absence of African and Asian members of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the limited number of members from Eastern Europe in various treaty bodies. However, the chairpersons stressed that the nomination and election of treaty body members was regulated by the various treaties or in the case of the Committee on Economic, Social and Cultural Rights by resolution 1985/17 of the Economic and Social Council and was the responsibility of States parties. States parties should take the provisions in the legally binding human rights treaties into account, and give due consideration to equitable geographical distribution, representation of different forms of civilization and legal systems, balanced gender representation and independence and competence of experts from various professional fields.

VI. Meeting with the United Nations independent expert on minority issues

15. The chairpersons were briefed by the independent expert on minority issues on her report (A/HRC/10/11/Add.1) and her mandate, providing information on the Forum on Minority Issues established by Human Rights Council resolution 6/15. She noted that the first session of the Forum focused on the theme "Minorities and the right to education". The chairpersons recommended that the report of the Forum be provided to all treaty bodies to stimulate discussion of its recommendations and perhaps form the basis for the elaboration of a joint general comment on minority issues.

16. The independent expert also provided information on the upcoming second session of the Forum, whose thematic focus would be "Minorities and effective political participation". The importance of reliable and quality disaggregated data, the role of criminal law, political participation of minorities and their representation in other decision-making positions and quotas, minorities with disabilities and minorities deprived of their liberty were discussed, as was the right to individual choice in the context of the collective rights of minorities. Each treaty body was encouraged to take the output of the second session of the Forum into account, and to provide information on their approaches to political participation to the independent expert.

VII. Decisions and recommendations

17. The following decisions and recommendations were adopted:

Adoption of the points of agreement of the inter-committee meeting

(a) The twenty-first meeting of chairpersons endorsed the points of agreement concluded at the eighth and ninth inter-committee meetings. The chairpersons called upon the human rights treaty bodies to follow up those recommendations and to report on their implementation at the tenth inter-committee meeting in 2009.

Relationship with special procedures mandate holders

(b) The twenty-first meeting of chairpersons recognized the important contributions provided by special procedures mandate holders to the work of the treaty bodies and vice versa. They reiterated the importance of strengthening cooperation and coordination between the two mechanisms, in particular with regard to information sharing and more effective use of their mutual outputs. The chairpersons recommended that each treaty body consider designating a focal point to enhance cooperation, facilitate more effective interaction on country-specific and thematic issues and follow-up with the special procedures mandate holders. The chairpersons also recommended that joint meetings be convened in the context of the inter-committee meeting rather than the meeting of chairpersons. The Secretariat

was requested to prepare structured agendas for such joint meetings, identifying themes of common concern.

Human Rights Council

(c) The chairpersons underlined the complementary and mutually reinforcing nature of the treaty body system and the universal periodic review mechanism and emphasized the importance of a continuing dialogue on this matter. The chairpersons noted the positive value of the outcome of the universal periodic review, as an intergovernmental process. The chairpersons stressed that both processes were equally important and recommended that resource allocations reflect this principle. The chairpersons noted that significant human, financial and technical resource allocations to only one of the processes could be to the detriment of the effective functioning of the other. The chairpersons requested the Secretariat to provide a study analysing human and budgetary allocations to both processes, including trends in this context since the establishment of the Human Rights Council.

Equitable geographic distribution

(d) The twenty-first meeting of chairpersons took note of General Assembly resolution 63/167 on equitable geographical distribution in the membership of the human rights treaty bodies and recommended that States parties, when nominating and electing members of the treaty bodies, should take into account the provisions set out in the legally binding human rights instruments to this effect. States parties should give due consideration to equitable geographical distribution, independence of experts, representation of different forms of civilization and legal systems, balanced gender representation and expertise from various professional fields.

Independent expert on minorities

(e) The twenty-first meeting of chairpersons recommended that the report by the independent expert on minority issues (A/HRC/10/11/Add.1), containing the recommendations of the Forum on Minority Issues, as well as future reports on the Forum, be provided to all treaty bodies to encourage discussion of those recommendations and the possible elaboration of a joint general comment on minority issues.

Treaty body documentation

(f) The twenty-first meeting of chairpersons noted that the various treaty bodies continued to face difficulties in terms of translation and reiterated the recommendation of the eighth inter-committee meeting. To this end, the chairpersons:

(i) Expressed their deep concern for the more and more limited assistance in terms of translation;

(ii) Considered that this situation jeopardized the quality of their work, and generally rendered the functioning of their committees increasingly problematic;

(iii) Requested the Secretariat, through the translation services, as well as all the other concerned authorities, to provide sufficient services in terms of translation so as to enable a normal functioning of treaty bodies, in particular during sessions, pre-sessions meetings, and for the preparations of meetings.

Annex I

Report of the eighth inter-committee meeting of human rights treaty bodies

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I. Introduction

1. The eighth inter-committee meeting of the human rights treaty bodies was held at the Office of the United Nations High Commissioner for Human Rights (OHCHR) at Geneva from 1 to 3 December 2008.

2. The following members of human rights treaty bodies attended:

Human Rights Committee
Abdelfattah Amor
Michael O'Flaherty

Committee on the Elimination of Discrimination against Women
Dubravka Šimonović (Chairperson)
Cornelis Flinterman
Meriem Belmihoub-Zerdani

Committee on the Elimination of Racial Discrimination
Fatima-Binta Victoire Dah (Chairperson)
Nourredine Amir
Pierre-Richard Prosper

Subcommittee on Prevention of Torture
Zdenek Hajek

Committee on Economic, Social and Cultural Rights
Philippe Texier (Chairperson)
Rocio Barahona Riera
Waleed Sadi

Committee on the Rights of the Child
Yanghee Lee (Chairperson)
Kamel Filali
Lothar Friedrich Krappmann

Committee against Torture
Fernando Mariño Menéndez
Xuexian Wang

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Abdelhamid El-Jamri (Chairperson)
Myriam Konsimbo Poussi

II. Opening of the meeting, election of officers and adoption of the agenda

3. The Director of the Human Rights Council and Treaties Division welcomed all chairpersons and members present on behalf of the High Commissioner for Human Rights and delivered a statement on her behalf, in which she noted that since her appointment on 1 September 2008, she had had interesting discussions with a number of the treaty bodies. She noted that she had become more familiar with the challenges and obstacles that all treaty bodies had to overcome in order to meet increasing demands and fulfil their tasks effectively, including as a result of their ever-increasing workload. She was aware of concerns in relation to the current staffing situation and resources, generally, and reiterated that she would do her utmost to address these issues. She was pleased to see that the treaty bodies had continued to develop innovative working methods, drawing from each other's experience in the process, with a view to ensuring that the treaty body system provided the best possible protection for rights-holders.

4. The High Commissioner referred to the progress achieved with regard to harmonization of treaty body working methods, including with regard to the revised harmonized reporting guidelines and the adoption of a common approach to reservations, as well as efforts to harmonize other areas. She was pleased that the

eighth treaty body monitoring a core treaty, the Committee on the Rights of Persons with Disabilities, would soon begin its work and that the Third Committee of the General Assembly had recently adopted the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by consensus. She considered that these new instruments would strengthen the system, which was not as accessible or visible as it should be. More treaty bodies might also be established in the future as treaties were developed to fill possible protection gaps, and harmonization, streamlining and simplification of the treaty body system were therefore imperatives.

5. The High Commissioner considered that the biannual inter-committee meetings could serve as the vehicle for the promotion and coordination of the treaty body system, including the harmonization of treaty body working methods. She strongly encouraged the participants to develop and adopt a long-term programme of work on possible areas for improvement and harmonization of treaty body working methods, and include targets and timelines for the work of the next four to six inter-committee meetings. She strongly recommended that members of treaty bodies designated to attend the inter-committee meetings be vested with authority to take decisions that were binding on their respective committees. Finally, she affirmed that she would be very happy to be involved with the treaty bodies in identifying long-term strategies to address the challenges and obstacles that the treaty body system was facing, including in the context of harmonization of working methods, and welcomed the suggestions of the inter-committee meeting in this regard.

6. Following the statement of the High Commissioner, Fatima-Binta Victoire Dah, Chairperson of the Committee on the Elimination of Racial Discrimination, was confirmed as the Chairperson/Rapporteur and Dubravka Šimonović, Chairperson of the Committee on the Elimination of Discrimination against Women, was confirmed as Vice-Chairperson. The participants adopted the agenda (HRI/ICM/2008/2), with the addition of a more general agenda item entitled "The inter-committee meeting", and the programme of work.

III. Enhancing the effectiveness of the treaty bodies: a coordinated approach to the work of the treaty bodies

7. Under this agenda item, participants discussed improvement and harmonization of the treaty body working methods. Pursuant to a recommendation of the seventh inter-committee meeting, the eighth inter-committee meeting focused on four issues: the revised treaty-specific guidelines; follow-up to concluding observations; consideration of a State party in the absence of a report; and the universal periodic review. Participants also considered a draft programme of work prepared by the Secretariat, identifying possible areas of harmonization. Non-governmental organizations (NGOs) present were provided with the opportunity to speak under each agenda item.

Revised treaty-specific guidelines

8. The participants provided information on progress in relation to the revised treaty-specific guidelines. The Committee on the Elimination of Racial

Discrimination, the Committee on the Elimination of Discrimination against Women, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and most recently the Committee on Economic, Social and Cultural Rights had adopted such treaty-specific guidelines, while other committees had initiated discussions on the matter. The Human Rights Committee had decided to draft new guidelines and would appoint a rapporteur at its next session in March 2009. Following its forty-ninth session, the Committee on the Rights of the Child held a two-day workshop in October 2008, funded by the United Nations Children's Fund (UNICEF) National Committee for Korea, to discuss its revised treaty-specific guidelines on both the Convention on the Rights of the Child and the two Optional Protocols to it. The Committee planned to adopt its revised guidelines at its next session in January 2009, while the Committee against Torture had requested the Secretariat to prepare draft treaty-specific reporting guidelines, taking due account of the guidelines for the common core document, which they would discuss the draft at its next session in May 2009.

9. Participants generally agreed that the treaty-specific guidelines simplified reporting and made the procedures more manageable for the States. The inter-committee meeting endorsed the recommendation of the seventh inter-committee meeting that all treaty bodies should aim at adopting their treaty-specific guidelines by the end of 2009. States parties would be urged to use the new reporting system as a whole, consisting of a common core document and a treaty-specific document, as of 2010. It was also agreed that States parties should be encouraged to use the approved harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (as contained in document HRI/GEN/2/Rev.5) and the treaty-specific guidelines already adopted, when submitting a report to any human rights treaty body. The importance of technical assistance for States parties that had encountered problems with their reporting or lacked the necessary capacity and/or resources was also underlined.

10. Participants discussed the need to set a date for evaluation of the new reporting system as a whole. Some participants were in favour of the identification of such a date so that concerns, including the difficulty of drawing the line between what should be included in the common core document and the treaty-specific document, especially in the context of non-discrimination, could be addressed. Others were of the view that such an evaluation date should not be set at this stage.

Consideration of a State party in the absence of a report

11. Most committees had adopted the practice, sometimes referred to as the "review procedure", of examining the implementation of the relevant treaty in the State party in the absence of a report, and they highlighted their experiences in that respect. The representatives of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families noted that the Committee had discussed the issue in preparation of the inter-committee meeting but that it did not have a common position. Participants indicated that notification by a committee to a State party of its intention to examine implementation in the absence of a report could be a very effective way of engaging non-reporting States parties, as they were generally prompted to submit the overdue report or to signal their intention to do so. Participants reiterated that examination of States parties in the absence of a report

should be a measure of last resort, with the focus being on engaging in a constructive dialogue with the State party concerned. The possibility of adopting common modalities was discussed, with participants stressing the importance of providing States parties with one last opportunity, through a reminder, to submit its report. In the absence of a response from the State party, the treaty bodies would often formulate and transmit a list of issues to the State party. In the absence of a reply from the State party, some committees, such as the Human Rights Committee, adopted provisional concluding observations, while others, such as the Committee on the Elimination of Racial Discrimination, formulated public and final concluding observations.

12. The participants requested the Secretariat to produce a list of non-reporting States, including initial and periodic. Such a list would enable the committees and the inter-committee meeting to identify trends and patterns of non-reporting and would facilitate a broader understanding of the problem, including reasons for non-reporting, such as: lack of resources, capacity or political will. The Secretariat was also requested to produce a paper on experiences of the review procedure. Participants noted that each non-reporting State should be considered in accordance with its specific situation, taking into account, in particular, the overdue period, the human rights situation in the country and any specific difficulties that the State party might face. Some participants stressed the important role of OHCHR and encouraged the Office to engage proactively in capacity-building and technical assistance activities, in particular, through its regional and field presences.

Follow-up to concluding observations

13. Participants noted that all treaty bodies requested States parties to provide information on the implementation of the recommendations contained in the previous concluding observations in their subsequent reports or during the constructive dialogue. Several treaty bodies had introduced formal procedures to monitor more closely the implementation of specific concluding observations, and the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee against Torture had had a follow-up procedure for a significant period of time.

14. At its forty-first session in July 2008, the Committee on the Elimination of Discrimination against Women had introduced a follow-up procedure with the identification of urgent and protective follow-up recommendations contained in the concluding observations. The request would call upon States parties to provide such information to the Committee within a period of one or two years. The representatives of the Committee on Economic, Social and Cultural Rights noted that the Committee might, in its concluding observations, make a specific request to a State party to provide more information or statistical data prior to the date on which the next periodic report was due. Information provided in accordance with this procedure would be considered at the next pre-sessional working group.

15. The Committee on the Rights of the Child did not have a written follow-up procedure, nor did it identify priority issues for follow-up in its concluding observations as, given its heavy workload resulting from its mandate to consider reports under three treaties (the Convention and its two Protocols) and the special role that UNICEF played in the follow-up to the Committee on the Rights of the

Child concluding observations, the introduction of a formal follow-up procedure was not considered the best approach. However, the Committee on the Rights of the Child was aware of the discussions taking place in the other treaty bodies and emphasized that it was open to a discussion on follow-up. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, being the youngest Committee, had yet to establish a follow-up procedure, but had discussed follow-up and would continue discussing this issue at its tenth session in April 2009.

16. A small working group of participants in the inter-committee meeting, consisting of the follow-up rapporteurs, if applicable, and other interested members, was established to consider follow-up, and presented a brief paper on the issue to the plenary. Participants emphasized that follow-up procedures were affected by lack of human and financial resources for the work of treaty bodies generally. The suggestion was made that the follow-up rapporteurs, if applicable, or other representatives of the various committees, could meet and discuss best practices and exchange ideas in respect of follow-up to concluding observations, as well as follow-up workshops, and that an inter-committee working group or task force could be established for that purpose. The point was also made that there should be a discussion on common means of improving the follow-up procedure.

17. Participants highlighted the need for allocation of additional resources to follow-up activities, especially for workshops, meetings and country visits, and that treaty body members be more involved in those activities. The inter-committee meeting also emphasized the important role played by national human rights institutions and civil society, including NGOs, in respect of follow-up at the national level.

18. Furthermore, participants recommended that each treaty body complete an assessment and analysis of its follow-up procedure, identifying difficulties, obstacles and results, by 2010. Based upon the results of the assessments at the committee level, a common assessment of the follow-up procedures would then be conducted in 2010 by the working group or task force.

19. Based on a brief discussion of following up views on individual complaints, participants reaffirmed the importance of consolidating, and possibly strengthening, the procedures already in place. The suggestion was made that this issue should be included in the long-term programme of work on harmonization.

Discussion on the universal periodic review mechanism

20. The seventh inter-committee meeting had decided to include the universal periodic review mechanism as a standing agenda item and participants at the eighth inter-committee meeting continued their dialogue on this matter, taking into account the fact that the mechanism was still at an early stage in its development. It was generally agreed that there was a need to develop effective cooperation between the treaty bodies and the Human Rights Council and to strengthen institutional links among them. The individual treaty bodies were encouraged to discuss this issue and to make proposals that could be considered at the ninth inter-committee meeting in June 2009.

21. Participants underlined the complementary and mutually reinforcing nature of the treaty body system and the universal periodic review mechanism, but emphasized that the two processes were distinct. Participants also discussed whether treaty body members should be present during the universal periodic review mechanism dialogue. One member noted that the treaty bodies should institutionally form part of the mechanism and underlined the need to create organic links between the two, whereas most members, referring to the dual nature of the two processes, did not support that proposal.

22. Participants highlighted experiences from their respective committees with regard to universal periodic review mechanism documentation. Most found that the mechanism documents had proven very helpful in their consideration of State reports. Some members noted that the compilations prepared by OHCHR with summaries of United Nations information, including treaty body information, were useful as they condensed a great deal of information. The outcome documents of the universal periodic review mechanism, and particularly the pledges made by States parties, such as in relation to reservations, had been referred to in some instances, and the meeting encouraged the treaty bodies to continue this practice. The Secretariat was called on to routinely make the compilations prepared by OHCHR for the universal periodic reviews, as well as the output of the reviews available to treaty bodies.

23. Some participants commented that the compilation's page limit of 10 pages was inadequate. Others were of the view that the treaty bodies should be directly involved in the drafting processes and that there was a need for enhanced cooperation with the Secretariat when producing the compilations. Some participants noted that the universal periodic review mechanism process motivated the treaty bodies to produce even better and more concrete concluding observations and that the mechanism could be seen as an impetus for the treaty bodies to improve their work. A few members highlighted that the biggest potential of the mechanism could lie in the national consultation process and that there should be more emphasis on treaty obligations in this process. It was suggested that treaty bodies should consider further prioritizing concerns in their concluding observations so that these are appropriately reflected in the United Nations compilations prepared by OHCHR.

Other issues

24. In addition to the four identified areas, participants discussed a number of other potential areas for harmonization, including modalities of the participation of NGOs and national human rights institutions, the development of joint general comments and media strategies. All agreed that additional human and financial resources should be allocated by OHCHR to the Human Rights Treaties Branch in order to ensure effective and continuous support for the work of the treaty bodies.

25. The meeting agreed to adopt a programme of work on possible areas for improvement and harmonization of working methods, including targets, short and long-term objectives, and timelines for the next three to four inter-committee meetings. The meeting also agreed that the agenda items for the ninth inter-committee meeting would be: the identity/role of the country rapporteur/country task force, cross-referencing the work of other treaty bodies, standardization of

terminology, participation of national human rights institutions, States parties and NGOs, and the universal periodic review mechanism.

IV. Dialogue with non-governmental organizations

26. Representatives of a number of NGOs participated in the eighth inter-committee meeting, including Amnesty International; International Women's Rights Action Watch; International Service for Human Rights; Friends World Committee for Consultation (Quaker United Nations Office); ARC International; and the Centre for Civil and Political Rights.

27. The NGO representatives pointed to a number of issues in respect of possible areas of harmonization with a view to enhancing the effectiveness of human rights treaty monitoring bodies and improving NGO contributions in the treaty body procedures. Other issues raised by the NGOs included: the relationship between the universal periodic review mechanism and the treaty bodies, the possibility of issuing joint general comments and of adopting media strategies to increase the visibility of the treaty body system, as well as the criteria for treaty body membership. While acknowledging that they sometimes submitted too much information to the treaty bodies, the NGOs noted that they would attempt to limit the number of pages and to submit more joint NGO reports, including through NGO coalitions.

28. The inter-committee meeting participants highlighted the importance of NGO information for the work of the treaty bodies and welcomed the interesting and pertinent suggestions from the NGOs on how to improve their working methods, short- and long-term, and the coordination between the treaty bodies.

29. Participants emphasized the important role played by national human rights institutions and civil society, including NGOs, in respect of follow-up at the national level. The point was made that, in addition to follow-up activities, NGOs should spread the word as to how States parties were living up to their international commitments. One NGO suggested the establishment of a joint early-warning procedure to deal with serious human rights violations.

30. Some inter-committee meeting participants stressed that the best timing for NGO input was in the process of drafting lists of issues, and they reiterated that NGOs should send information well in advance of treaty body sessions to allow committee members the opportunity to take those important submissions into account, including for the preparation of lists of issues, and to continue to reinforce and strengthen the implementation of the conclusions of the treaty bodies. NGOs were encouraged to provide information on all States parties whose reports were going to be considered by the treaty bodies, and endeavour to create NGO coalitions to facilitate the participation of national NGOs.

31. Several inter-committee meeting participants underlined that, with regard to the relationship between the universal periodic review mechanism and the treaty bodies, it was important to keep the autonomy of the treaty bodies and not put their independence at risk. The common aim of both systems was to assist States parties in strengthening the protection of human rights at the national level. The appointment of treaty body experts and their independence was also discussed, and one member suggested that a selection panel could be established to interview potential experts in order to, inter alia, ensure that they had a human rights profile.

32. As regards joint general comments, the point was made that at present there was no shared vision as to the purpose of general comments. For some committees it was a rather juridical text and for others a more broad policy level approach, and the general comments might have different functions. However, some members underlined that the process of elaborating general comments benefited from NGO contributions.

33. The participants decided to include the issue of NGO participation as an agenda item for the ninth inter-committee meeting, and the Chairperson suggested that NGOs should provide more concrete information on their current activities and what they intended to do in the future.

V. Informal consultations with States parties

34. The eighth inter-committee meeting held informal consultations with States parties on 2 December 2008, in which approximately 35 States participated.

35. The Chairperson noted that it was the first time that the inter-committee meeting had held two annual meetings. She indicated that the deadline for the completion of all treaty-specific guidelines had been reconfirmed for the end of 2009 and that, as of 2010, the States parties would be urged to use the new reporting system as a whole, consisting of a common core document and a treaty-specific document. She informed States parties that the issue of follow-up had been discussed and that the inter-committee meeting had decided to set up a working group/task force on follow-up to concluding observations. She highlighted the recommendations of the inter-committee meeting in respect of the consideration of a State party in the absence of a report and the relationship between the treaty bodies and the universal periodic review mechanism. In this respect, she indicated that the meeting had discussed the possibility of adopting concluding observations with a certain amount of prioritization. She also noted that the High Commissioner had strongly recommended that members of treaty bodies designated to attend the inter-committee meeting be vested with authority to take decisions that were binding on their respective committees.

36. States welcomed the opportunity to engage in consultations with the inter-committee meeting, indicating that these provided a platform for dialogue and interaction. Reiterating their support for the work of the treaty bodies, they stressed that the treaty bodies were crucial and fundamental to protecting and promoting human rights throughout the world.

37. Several States commended the treaty bodies for their continued engagement in the process of reform and their preparedness to test new approaches, adopt innovative working methods and explore areas of harmonization. However, States agreed that there was room for improvement, and they supported and encouraged further harmonization and coordination of the working methods of the treaty bodies, including in the examination of reports and follow-up procedures, which would make the system more comprehensible and accessible.

38. A large number of States noted that the treaty body system and the universal periodic review mechanism should complement and mutually reinforce each other. It was stressed that the mechanism should not duplicate other existing mechanisms and that there was a need to create positive synergies between the mechanism and

the treaty body system. In addition, many States emphasized the independent role and rationale of treaty bodies vis-à-vis the mechanism. Noting that they had a certain amount of experience with the procedure, some States referred to their own experiences in the first three universal periodic review sessions, both as States under review and when reviewing others. Several references had been made to treaty body recommendations and to the need to ratify the core treaties to which the State concerned was not yet a member. Some States noted that the mechanism could provide an additional tool in the follow-up of treaty body recommendations and vice versa. One State considered that the treaty bodies should not refer to the voluntary contributions or pledges made by the States parties in the context of the mechanism, as these could only be followed up by the mechanism. The compilation of treaty body and special procedures information prepared by OHCHR was highlighted as an important tool for the mechanism, and treaty bodies were encouraged to prioritize their concerns and recommendations.

39. Drawing on their own experiences, a number of States noted that the treaty bodies could improve their working methods in the consideration of reports. Some States suggested that there should be an equal proportion of time dedicated to questions and remarks by treaty body members and answers by the State party concerned. The repetition of questions and more lengthy statements should be avoided, and questions should be focused on matters addressed by the treaty concern and questions could refer to the relevant articles.

40. Some States expressed concern at possible uneven treatment of countries in the reporting procedure, not only in terms of content but also procedure. They underlined that the human rights situation in each country should be evaluated in an objective manner, which focused on the current situation, rather than on previous reviews. Some States suggested that the concluding observations should reflect the positive commitment of Governments expressed during the constructive dialogue.

41. A few States referred to the information gathering processes and expressed regret that some sources were given priority over others, and they highlighted the need for transparency when examining information. As it was important for the committees to acquire full knowledge of national legislation, one State suggested that legal advisers provided by the State party could assist during the consideration of the report. The possibility of tripartite meetings among the treaty body, the State party concerned and NGOs was also put forward.

42. One State noted that requests for follow-up information included in the concluding observations were not envisaged in the treaties themselves, and that this practice might be an unworkable and burdensome requirement, whereas treaty bodies should focus their limited resources on reporting, instead of on follow-up.

43. Some States noted that a number of treaty bodies had requested the General Assembly to grant them additional meeting time, especially in the light of increased ratifications. They recommended that treaty bodies should consider adopting a common and comprehensive strategy in this context. One State noted that extension of the meeting time of treaty bodies might discourage some experts from agreeing to be put forward for membership of treaty bodies because of the time commitments involved.

44. A number of States noted that the Committees should reflect on ways to address their respective backlogs and possibly adopt a common strategy in order to

achieve a durable solution. Other issues raised included the possibility of targeted or focused reports, including on the basis of a list of issues sent to the State prior to the submission of its report. The point was also made that NGOs and national human rights institutions have a key role to play in the review process. Some States welcomed the idea of setting up an inter-committee working group to exchange information among the committees so as to facilitate the work and improve efficiency. There was also a call for harmonization in the practices relating to the appointment of rapporteurs, and whether their identities were known.

45. Some States highlighted that the comments and suggestions put forward in the course of the informal consultations should be given due regard and that the inter-committee meeting should reflect on how this could be done in the best possible way. A number of States supported treaty bodies, including those more recently established, in their quest for more human and financial resources. States drew attention to the importance of translation of documentation and made clear that, if documents were not available in all United Nations languages, access would be limited.

46. In response, committee members referred to the progress that had taken place in respect of harmonization of working methods, including the adoption of a programme of work on harmonization. They described the experiences of their individual committees in respect of backlog, as well as requests for additional meeting time and/or parallel chambers, noting that approval of such requests generally resulted in clearing of the backlog. The point was also made that when treaty bodies requested more meeting time, this was decided on an objective and treaty-specific basis by each individual treaty body.

47. In response to a question raised by one State party with respect to possible dialogues among the treaty bodies and the Human Rights Council and the Third Committee of the General Assembly, some members noted that when treaty bodies had had an opportunity to come before the Council or the Third Committee, they had come only to report, without the possibility to engage in a constructive dialogue, and they hoped that that would be changed in the future.

48. Suggesting that a full day be devoted at the ninth inter-committee meeting in 2009 to the informal consultations with States to continue the dialogue, members welcomed the comments and constructive criticism from the States parties and took note of the reservations expressed. Some members referred to the concerns expressed by a number of States in respect of sources of information, including suggestions of lack of balance and transparency. They noted that they received information from a variety of sources and wished to keep this diversity. However, they valued transparency, and public reports of NGOs were posted on the website, and thus made available to States parties.

VI. Draft points of agreement of the eighth inter-committee meeting

49. The eighth inter-committee meeting decided on the following points of agreement, to be transmitted to the twenty-first meeting of chairpersons in June/July 2009:

Inter-committee meeting

(a) The eighth inter-committee meeting reiterated the view that the inter-committee meeting provided a useful forum for discussing matters of mutual concern and strengthening harmonization among the treaty bodies.

(b) The eighth inter-committee meeting decided that the agenda items for the ninth inter-committee meeting would be the following: the identity/role of the country rapporteur/country task force, cross-referencing the work of other treaty bodies, standardization of terminology, the participation of national human rights institutions, States parties and NGOs, and the universal periodic review mechanism of the Human Rights Council.

(c) The eighth inter-committee meeting requested the Secretariat to prepare a briefing note on the history of the inter-committee meeting and meeting of chairpersons and to distribute it to all the treaty bodies. All treaty bodies should carefully study the note and discuss the possibility of a merger of the inter-committee meeting and meeting of chairpersons that would allow for the ninth inter-committee meeting to take a decision on this issue. All treaty bodies should also consider whether the inter-committee meeting should be given an enhanced decision-making role with regard to harmonization of working methods.

Human and financial resources

(d) The eighth inter-committee meeting recommended that OHCHR should allocate additional human and financial resources for the Human Rights Treaties Branch in order to ensure effective and continuous support for the work of the treaty bodies.

Revised harmonized reporting guidelines

(e) Noting that a majority of treaty bodies had adopted revised guidelines for treaty-specific documents on reporting under the international human rights treaties, the eighth inter-committee meeting reaffirmed that the remaining treaty bodies should aim at completing the adoption of their revised guidelines by the end of 2009. As of 2010, States parties would be urged to use the new reporting system as a whole, consisting of a common core document and a treaty-specific document. In the meantime, States parties were encouraged to use the approved harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (as contained in document HRI/GEN/2/Rev.5) and the treaty-specific guidelines already adopted, when submitting a report to a human rights treaty body. OHCHR is encouraged to proactively engage in capacity-building and technical assistance activities, in particular, through its regional and field presences.

Consideration of a State party in the absence of a report

(f) The eighth inter-committee meeting noted that the absence of State party reports on treaty implementation, including initial reports, affected all treaty bodies.

While the consideration of a report, as well as the establishment of a constructive dialogue with States parties, will always be the objective of treaty bodies, long overdue initial and periodic reports would seriously hamper the monitoring mandate of treaty bodies and the implementation of treaty provisions. Non-reporting States should be reminded of their overdue reporting obligations and encouraged to report, and, as a last resort, treaty bodies should consider reviewing the implementation of treaties in the absence of a report and adopt concluding observations in that respect.

(g) The eighth inter-committee meeting requested the Secretariat to produce a list of non-reporting States, including initial and periodic, in order to identify trends and patterns of non-reporting. The Secretariat was also requested to produce a paper on best practices/lessons learned from the review procedure. Each non-reporting State should be considered in accordance with its specific situation, taking into account, in particular, the overdue period, the human rights situation in the country and any specific difficulties that the State party might face. OHCHR is encouraged to proactively engage in capacity-building and technical assistance activities in relation to the submission of reports, in particular, through its regional and field presences.

Follow-up to concluding observations

(h) The eighth inter-committee meeting reiterated its previous recommendation that each treaty body consider adopting a procedure within a reasonable period of time to ensure effective follow-up to concluding observations, such as the appointment of a rapporteur on follow-up or any other appropriate mechanism.

(i) The eighth inter-committee meeting reiterated its previous recommendation that additional resources be allocated to follow-up activities, especially for workshops, meetings and country visits and that treaty body members be more involved in those activities. The eighth inter-committee meeting also emphasized the important role played by national human rights institutions and civil society, including NGOs, in respect of follow-up at the national level.

(j) The eighth inter-committee meeting also reiterated its previous recommendation that a working group/task force on follow-up to concluding observations be established inter-sessionally, consisting of the rapporteur for follow-up on concluding observations of each treaty body, if applicable, or the members responsible for follow-up activities. Such a working group/task force could, among other things, identify best practices in respect of follow-up and consider possible areas of harmonization in this respect, and consider the possibility of integrated follow-up. The working group/task force should report back to the ninth inter-committee meeting in 2009 on its findings.

(k) The eighth inter-committee meeting recommended that each treaty body complete an assessment and analysis of its follow-up procedure, identifying difficulties, obstacles and results, by 2010. Based upon the results of the assessments at the committee level, the eighth inter-committee meeting recommended that a common assessment of the follow-up procedures be conducted in 2010 by the working group/task force. Such an assessment would facilitate the identification of possible areas of harmonization and the future development of the best possible procedure on follow-up for all the treaty bodies.

(l) The eighth inter-committee meeting further recommended that follow-up information received by one treaty body be shared with the other treaty bodies, including in respect of cross-cutting issues and issues of common concern.

Follow-up on individual communications

(m) The eighth inter-committee meeting reaffirmed the importance of consolidating, and possibly strengthening, the procedures in place for following up on individual communications. The rapporteurs on follow-up to individual communications should join the working group/task force on follow-up.

Universal periodic review mechanism of the Human Rights Council

(n) The eighth inter-committee meeting reiterated the conclusion of the twentieth meeting of chairpersons of human rights treaty bodies that there was a need to develop effective cooperation between the treaty bodies and the Human Rights Council and strengthen institutional links among them. It recommended that treaty bodies discuss this issue and make proposals that could be discussed at the ninth inter-committee meeting in June 2009.

(o) The eighth inter-committee meeting recalled the conclusion of the twentieth meeting of chairpersons of human rights treaty bodies underlining the complementary and mutually reinforcing nature of the treaty body system and the universal periodic review mechanism of the Human Rights Council. The meeting also emphasized the importance of a continuing dialogue on this matter, taking into account the fact that the universal periodic review mechanism is still at an early stage in its development.

(p) The eighth inter-committee meeting repeated the recommendation of the seventh inter-committee meeting that the Secretariat routinely make available to the treaty bodies the compilations prepared by OHCHR for the universal periodic review mechanism, as well as the output of the reviews.

(q) The eighth inter-committee meeting recommended that human rights treaty bodies consider further prioritizing concerns in their concluding observations so that these are appropriately reflected in the compilations that contain summaries of United Nations information, including treaty body information, and are prepared by OHCHR.

(r) The eighth inter-committee meeting recommended that treaty bodies continue to refer to the pledges and commitments made by States parties in the context of universal periodic review during their dialogue with States parties and concluding observations.

Informal consultations with States parties

(s) The eighth inter-committee meeting emphasized that the informal consultations with States parties provided an important platform for dialogue and interaction and recommended that a full one-day meeting should be allocated for the informal consultations with States parties in the context of the ninth inter-committee

meeting in 2009. The inter-committee meeting requested the Secretariat, in consultation with the treaty bodies, to prepare a specific and focused agenda for this meeting.

Cooperation with non-governmental organizations

(t) The eighth inter-committee meeting reiterated previous recommendations that NGOs send information well in advance of treaty body sessions to allow committee members the opportunity to take those important submissions into account, including for the preparation of lists of issues, and to continue to reinforce and strengthen the implementation of the conclusions of the treaty bodies.

Access to treaty body deliberations

(u) The eighth inter-committee meeting emphasized the necessity to make the work of treaty bodies more widely known and encouraged the treaty bodies that had not already done so to discuss and adopt media strategies and to work towards a common media strategy, with the assistance and advice of OHCHR. The inter-committee meeting also recommended that OHCHR explore alternative means of facilitating the broadest public access to the treaty body public examinations of periodic reports, including the possibility of webcasting and using other modern technologies.

Treaty body documentation

(v) The eighth inter-committee meeting, noting the increasing difficulties the various treaty bodies are facing in terms of translation:

(i) Expressed its deep concern for the more and more limited assistance in terms of translation;

(ii) Considered that that situation jeopardized the quality of their work, and generally, rendered the functioning of their committees increasingly problematic;

(iii) Calls insistently for the translation services, as well as all the other concerned authorities, to provide sufficient services in terms of translation so as to enable a normal functioning of treaty bodies, in particular during session and pre-session meetings and for the preparations of meetings.

Annex II

Report of the ninth inter-committee meeting of human rights treaty bodies

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I. Introduction

1. The ninth inter-committee meeting of the human rights treaty bodies was held at the Office of the United Nations High Commissioner for Human Rights (OHCHR) at Geneva from 29 June to 1 July 2009.

The following members of human rights treaty bodies attended:

Human Rights Committee
Yuji Iwasawa (Chairperson)
Rafael Rivas Posada
Iulia Antoanella Motoc

Committee on the Elimination of Discrimination against Women
Naela Gabr (Chairperson)
Ruth Halperin-Kaddari
Silvia Pimentel

Committee on the Elimination of Racial Discrimination
Fatima-Binta Victoire Dah (Chairperson)
Alexei Avtonomov
Nourredine Amir

Subcommittee on Prevention of Torture
Victor Manuel Rodriguez Rescia (Chairperson)
Mario Luis Coriolano
Zdenek Hájek

Committee on the Rights of Persons with Disabilities
Mohammed al-Tarawneh (Chairperson)
Maria Soledad Cisternas Reyes

Committee on Economic, Social and Cultural Rights
Jaime Marchan Romero (Chairperson)
Mohamed Ezzeldin Abdel-Moneim
Waleed Sadi

Committee on the Rights of the Child
Yanghee Lee (Chairperson)
Hatem Kotrane
Dainius Puras

Committee against Torture
Claudio Grossmann (Chairperson)
Felice Gaer
Fernando Mariño Menéndez

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Abdelhamid El-Jamri (Chairperson)
Ana Elizabeth Cubias Medina
Prasad Kariyawasam

II. Opening of the meeting, election of officers and adoption of the agenda

2. The meeting was opened by Ibrahim Salama, Chief of the Human Rights Treaties Branch, who particularly welcomed the Chairperson of the Committee on the Rights of Persons with Disabilities and his colleague, noting that the Committee had recently been added to the network of human rights treaty bodies and that there were very high expectations of the contribution it could make in closing the protection gap for women, men, girls and boys with disabilities.

3. Mr. Salama noted that the focus of the biannual inter-committee meeting was harmonization of working methods, not for the sake of uniformity, but to ensure that

the treaty body system was as accessible and visible as possible and a strong force for change at the national level. Emphasizing that the treaty bodies were the pillars of the human rights protection system enjoying the highest legitimacy, he made clear that the main challenge for the future was how to strengthen the treaty body system.

4. The Chairperson of the seventh and eighth inter-committee meetings and twentieth meeting of chairpersons, Ms. Dah (Committee on the Elimination of Racial Discrimination), introduced the report on the implementation of the recommendations of those meetings (HRI/MC/2009/2). She referred to recent developments, including the adoption by the General Assembly, on 10 December 2008, of the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, providing the Committee on Economic, Social and Cultural Rights with broader monitoring competence. She also referred to the first session of the Committee on the Rights of Persons with Disabilities and its discussions on its rules of procedure and working methods.

5. Ms. Dah drew attention to the Durban Review Conference, convened in Geneva from 20 to 24 April 2009, which evaluated progress towards the goals set by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa in 2001. The outcome document of the Conference, adopted by consensus, would strengthen the political commitment to the implementation of the Durban Declaration and Programme of Action.

6. Naéla Gabr, Chairperson of the Committee on the Elimination of Discrimination against Women, was elected Chairperson/Rapporteur, and Yanghee Lee, Chairperson of the Committee on the Rights of the Child, and Mohammed al-Tarawneh, Chairperson of the Committee on the Rights of Persons with Disabilities, were elected Vice-Chairpersons. Participants adopted the agenda (HRI/ICM/2009/1) and the programme of work.

III. Meeting with the United Nations High Commissioner for Human Rights

7. On 29 June 2009, in an exchange of views with participants, the High Commissioner welcomed the Chairperson of the Committee on the Rights of Persons with Disabilities and his colleague and, noting that the Convention on the Rights of Persons with Disabilities had been described as a paradigm shift in the way disability was considered, expressed confidence that the Committee would ensure that disability issues were mainstreamed into the work of all human rights bodies, particularly treaty bodies. She referred to the unanimous adoption by the General Assembly of the Optional Protocol to the Covenant on Economic, Social and Cultural Rights and to the Durban Review Conference and its outcome document, which, inter alia, identified follow-up initiatives that OHCHR would lead. Among these was the organization in various regions of the world of a series of expert seminars on the links between articles 19 and 20 of the International Covenant on Civil and Political Rights dealing with freedom of expression and the prohibition of incitement to racial and religious hatred.

8. The High Commissioner indicated that she had had interesting discussions with most treaty bodies, except the Committee on the Rights of Persons with Disabilities which she looked forward to meeting with in October. She had been struck by the commitment and desire of the treaty bodies to develop new ways to encourage States parties to implement their human rights obligations at the national level and was convinced that the treaty bodies were the cornerstone of the normative human rights framework. She had become more familiar with the challenges and obstacles that all treaty bodies had to overcome in order to meet increasing demands and fulfil their tasks effectively, including because of their ever-increasing workload, and she was aware of the creative thinking that treaty bodies had embarked on to find solutions. She was pleased to see that the treaty bodies had continued to develop innovative working methods, and reiterated her strong support for these endeavours, as well as for their efforts towards harmonization of working methods. She had also taken note of concerns in relation to the current staffing situation and resources, generally, and pledged to do her utmost to address these issues.

9. The High Commissioner reiterated her view that the biannual inter-committee meetings could serve as the vehicle for the promotion and coordination of the treaty body system, including the harmonization of working methods. She further reiterated her recommendation that members of treaty bodies designated to attend the inter-committee meeting be vested with authority to take decisions that were binding on their respective committees. She also indicated that she would be very happy to be involved with the treaty bodies in identifying long-term strategies to address the challenges they face.

IV. Follow-up to the recommendations of the seventh and eighth inter-committee meetings of human rights treaty bodies

10. The ninth inter-committee meeting focused on: the identity/role of the country rapporteur/country task force; cross-referencing the work of other treaty bodies; standardization of terminology; participation of States parties, national human rights institutions and non-governmental organizations; the universal periodic review; follow-up to concluding observations; and the role of the ICM and chairpersons' meeting. United Nations bodies and NGOs were invited to speak under each agenda item.

Identity/role of the country rapporteur/country task force

11. All treaty bodies had adopted the practice of designating rapporteurs on the reports of States parties to facilitate consideration, but the output of each treaty body, including concluding observations, remained the collective responsibility of the treaty body as a whole. Most treaty bodies made the identity of rapporteurs public, as, in practice, their identity was known. The Committee on the Rights of the Child considered that its co-rapporteurs were a crucial point of contact for States parties and other stakeholders, particularly as it had no formal follow-up procedure. The Human Rights Committee had discussed the issue, but decided to maintain its practice of confidentiality in this context, in the light of possible pressure or public criticism that rapporteurs could face.

12. Participants defined task forces as comprised of three to five experts who led the preparation of dialogue with States parties, including lists of issues and questions, and facilitated coordination. Task forces were not used by all committees; for example, the Committee on the Rights of the Child distributed work according to expertise, with a view to ensuring complementarity among experts and emphasizing the responsibility of the committee as a whole.

Cross-referencing the work of other treaty bodies

13. Participants noted that all treaty bodies received the concluding observations, general comments/recommendations and other output of other committees and were thus aware of the approach of other committees to issues. Some committees often raised issues based on the output of other treaty bodies, but considered that this practice could be strengthened as there was value in referencing the output of other treaty bodies in their concluding observations and lists of issues, including as a means of harmonization. Given the specificity of the treaties, differences of opinion and findings among committees had occurred and were justifiable if based on proper consideration. Participants underlined that all treaty bodies promoted ratification of the full range of international human rights treaties.

Standardization of terminology

14. The Secretariat was requested to submit a comparative study on treaty body terminology to serve as a basis for discussion on possible standardization in this area.

Participation of States parties, national human rights institutions and non-governmental organizations

15. The importance of the relationship among treaty bodies, national human rights institutions and NGOs was emphasized, and the ongoing close cooperation enjoyed by a number of committees in this regard was described. Information provided by these actors was critical for the dialogue with States parties, and they had an important role at the national level in follow-up to concluding observations. The possibility that those providing information to committees might suffer reprisals was discussed, and various options, such as the appointment by each committee of a focal point on this issue, were suggested.

16. Strong support was expressed for a simplified and more accessible website, and the provision of an annual "master calendar" of all meetings, linked to documentation. Priority attention should be given to broadcasting and webcasting of public meetings or, at a minimum, the provision of audio transmissions or recordings of these online, especially to facilitate follow-up and preparation of the next reporting round. The organization of thematic discussions among treaty body experts, thematic and regional experts from OHCHR and other United Nations bodies at lunch-time side events during sessions was suggested. The appointment of a focal point by each committee tasked to liaise with United Nations entities was also recommended.

17. The distinct roles of national human rights institutions and NGOs were emphasized, and the varied levels of involvement and awareness among them was highlighted. More harmonization in the practices of treaty bodies relating to the participation of national human rights institutions and NGOs was called for, while treaty body participants invited national human rights institutions and NGOs to provide documentation well in advance of the sessions. The creation of national NGO coalitions, in order to foster learning and lend greater weight to NGO submissions, was also suggested.

Universal periodic review mechanism

18. Participants emphasized the value and complementarity of the universal periodic review mechanism and the treaty body system and noted that the level of resources allocated by OHCHR to both mechanisms should reflect this. Participants expressed concern that significant financial and human resource allocations to the universal periodic review mechanism had had an impact on the servicing of treaty bodies. In addition, they noted that resources were not available for webcasting and recording the public meetings of the treaty bodies.

Follow-up to concluding observations

19. Follow-up was considered as essential to ensure a continuing dialogue with States parties, transparency and the dissemination of information. Several treaty bodies had established follow-up procedures, identifying priority concerns in their concluding observations, with States parties being called on to report on these within a specified time limit. A rapporteur on follow-up was appointed by these committees. The Committee on the Rights of the Child followed up on concluding observations through country visits organized in partnership with United Nations agencies, in particular UNICEF.

20. Participants suggested that OHCHR regional offices and other United Nations agencies could follow up concluding observations. Follow-up was an area in which the inter-committee meeting could develop a harmonized approach, and it was agreed that the tenth inter-committee meeting would be devoted to discussion of follow-up to concluding observations and views of treaty bodies in order to, inter alia, identify best practices in respect of follow-up and possible areas of harmonization.

Role of the inter-committee meeting/meeting of chairpersons

21. Participants considered that there should be more continuity in the membership of the inter-committee meeting, as turnover of membership was high and thus many issues had to be reiterated. As to the decision-making powers of the inter-committee meeting, some participants considered that chairpersons had the authority to make decisions on behalf of their committees, as they had been designated by them to represent them. Others were of the view that they lacked the mandate to take decisions on behalf of committees. Although further discussion on the decision-making capacity of inter-committee meeting representatives was needed, with the majority agreeing that these representatives could take decisions on organizational matters, but decisions on substantive issues should be endorsed by

their respective committees. Most perceived the inter-committee meeting as a forum for discussion, and considered that its recommendations should be referred back to the individual treaty bodies for endorsement. Further information on a possible merger of the inter-committee meeting and meeting of chairpersons was also requested.

22. Participants proposed the creation of inter-committee meeting working groups on specific issues/subjects. The first session of the inter-committee meeting each year could identify key issues that could be discussed by each committee which could then be submitted at the second inter-committee meeting during that year.

V. Informal consultations with States parties

23. The ninth inter-committee meeting held informal consultations with States parties on 30 June 2009. Approximately 45 States parties attended the meeting.

24. The chairpersons highlighted new developments in their respective committees, and States welcomed the opportunity to engage in consultations with the inter-committee meeting, indicating that this provided a platform for dialogue and interaction. Some noted that they would have liked to receive the agenda well in advance of the meeting and to have been consulted on the topics for discussion, while others appreciated the well-structured agenda and were strongly in favour of continuous dialogue. All States stressed that the treaty bodies were crucial and fundamental for protecting and promoting human rights throughout the world.

25. Several States commended the treaty bodies for their continued engagement in the process of reform and their preparedness to test new approaches, adopt innovative working methods and explore areas of harmonization. The new procedure of the Committee against Torture of adopting lists of issues prior to the submission of a report was perceived as valuable and useful. The new working methods adopted by several of the newer treaty bodies were welcomed, and other treaty bodies were encouraged to use them. States agreed that there was room for improvement and encouraged further harmonization and coordination of the working methods of the treaty bodies, including in the consideration of reports and follow-up procedures, which would make the system more predictable, accessible and effective.

26. In terms of consideration of reports, some States suggested that there should be an equal proportion of time dedicated to questions and remarks by treaty body members and answers by the State party. The repetition of questions and lengthy statements should be avoided, and questions should be focused on matters addressed by the particular treaty.

27. Some States expressed concern at possible uneven treatment of countries in the reporting procedure, not only in terms of content but also procedure. They emphasized that the human rights situation in each country should be evaluated in an objective manner, focusing on the current situation. Concluding observations should reflect the commitment of the State expressed during the constructive dialogue, and fall within the parameters of the treaty concerned and not overstep these. Prioritization of recommendations was recommended as this would optimize implementation at the national level. A few States referred to the practice of the Committee on the Elimination of Racial Discrimination, which includes any comments of States parties on its concluding observations in an annex to its annual report, and encouraged others to follow this practice.

28. A number of States referred to the independence and integrity of the members of the treaty bodies and the importance of respect for their independence. They enquired about the criteria for the selection of country rapporteurs and suggested that these should be harmonized across the committees. Several States indicated that the selection of country rapporteurs was entirely within the discretion of individual treaty bodies. Some States emphasized that it was useful to know the identity of the country rapporteur(s) in advance to allow for an early engagement with them. While most treaty bodies were quite transparent in this respect, all were encouraged to follow their example. Some referred to the necessity of having open nomination processes for treaty body members at the national level.

29. Several States made reference to Human Rights Council resolution 9/8, on the effective implementation of international human rights instruments, including its reference to harmonization of working methods. Some States noted that they were not in favour of the proposal for a unified standing treaty body.

30. Follow-up to concluding observations was considered by many States to be essential, as well as a major challenge. Reference was made to treaty bodies that had developed good follow-up procedures and others were encouraged to follow their example. On the issue of delayed reporting, a few States noted that they did not see any value in considering implementation of a treaty in State party in the absence of a report. Treaty bodies should meet with non-reporting States bilaterally to promote a constructive dialogue and gain an understanding of the constraints they faced, including in respect of capacity and resources. Some States noted that the non-binding general comments adopted by the committees could be more user-friendly and therefore provide more guidance to States parties.

31. A few States referred to the information treaty bodies used as background to consideration of reports, and expressed regret that some sources were given priority over others. They highlighted the need for transparency in relation to sources of information and the creation of a system to ensure their credibility. Some States noted that although a structured framework for interaction with NGOs would be helpful, the treaty bodies were best placed to assess how to use the information available to them and the extent to which they wanted to engage NGOs. Several advised caution as there had been cases of reprisals against civil society organizations that had interacted with treaty bodies.

32. Some States considered that the inter-committee meeting should reflect on the best possible way that comments and suggestions put forward in the course of the informal consultations could be given due regard. A number of States expressed support for the quest of treaty bodies, including those more recently established, for more human and financial resources. States drew attention to the importance of the translation of documentation, indicating that if documents were not available in all of the official languages of the United Nations, access would be limited.

33. Committee members welcomed the comments and constructive criticism from the States parties, and noted that they were working towards a harmonized, not a unified, system. They looked forward to continued dialogue with the States parties and underlined that the inter-committee meeting informal consultations did not replace meetings between individual treaty bodies and States parties. They described the experiences of their individual committees in respect of selection of country rapporteurs and stressed that the concluding observations were adopted by each

committee as a whole, and were therefore the collective responsibility of the committee concerned.

34. Members noted that their primary source of information was the report and other material from States parties and encouraged respect for the harmonized reporting guidelines (including a limit of 60 pages for common core documents and 40 pages for periodic treaty-specific documents). They noted that they valued the information they received from a variety of sources. In order to maintain transparency, this information, including reports from NGOs, was posted on the OHCHR website, and thus made available to States parties.

35. Where the Durban Review Conference was concerned, some members noted that its outcome would be a basis for improving implementation of the Durban Declaration and Programme of Action. Further to a question raised about the possible use of new technologies in the reporting procedure, members noted that such technologies, including webcasting, were being explored, as were possibilities of further developing the website and adopting media strategies.

36. A number of States pointed to the complementary and mutually reinforcing nature of the universal periodic review mechanism and the treaty body system, but stressed that overlap and duplication should be avoided. Treaty body outputs provided an important part of the documentation before the universal periodic review. Several States noted that the universal periodic review mechanism had already been beneficial for and had provided prominence to the work of the treaty bodies. Numerous references had been made to issues relevant to the treaty body system in the context of the universal periodic review mechanism, including overdue reports, outstanding ratifications, including of the Optional Protocol to the Convention against Torture, and reservations. Some States were in favour of enhancing coordination between the two but considered that the rules governing the mechanisms should be followed; the intergovernmental nature of the universal periodic review mechanism procedure was distinct from that of the treaty bodies, which acquired their mandate from specific treaty provisions.

37. The point was made that the universal periodic review mechanism covered the whole range of human rights in a single exercise and the implementation of rights, even if the State party was not party to treaties. Specific and concise treaty body concluding observations, including recommendations, were very helpful for the universal periodic review mechanism process, and it was suggested that treaty bodies consider prioritizing their recommendations and provide information on non-reporting and follow-up. One State noted that treaty bodies should not make reference to voluntary commitments or pledges by States parties in the universal periodic review.

38. The treaty body members were encouraged to learn that their output had proven so valuable in the universal periodic review mechanism process. At the same time, some members noted that the documentation prepared for the mechanism, while uneven, had often been helpful for the treaty bodies to provide an overview of the situation in a particular State party. Noting that outputs from the mechanism, including pledges and commitments, could be used by the treaty bodies in their work, some members indicated that the input of treaty bodies into the mechanism went beyond the input of the mechanism into the work of the treaty bodies.

human rights institutions were a resource that had not yet been fully exploited by the committees. They also noted that procedures of committees relating to interaction of national human rights institutions differed.

43. The variety of national human rights institutions was noted, as was the fact that compliance with the Paris Principles, in particular the principle on independence, was seen as a sign of increased credibility and reliability. The strengthening of the International Coordinating Committee accreditation procedure had provided a context in which information on compliance with the Paris Principles could be provided. Participants encouraged national human rights institutions that did not adhere to those principles to become aware of them with a view to following them. The position of national human rights institutions as structures within the State but independent from the Government was emphasized, and participants emphasized that, in view of the growing number of sources of information, there was an urgent need to harmonize and standardize practices to ensure that these were credible and respected.

VII. Discussion on statistical information

44. The Secretariat reported on OHCHR work on using indicators to promote and monitor the implementation of human rights and the implementation of the recommendation on statistical information relating to human rights adopted by the seventh inter-committee meeting in June 2008, as well as the subregional and national validation workshops and consultations on indicators organized in 2008-2009, with the participation of Government agencies responsible for preparing States parties' reports, statistical agencies, United Nations country teams, national human rights institutions and NGOs. Follow-up workshops and activities had also taken place in several countries. A user manual, which responded to the seventh inter-committee meeting recommendation for the development of resource materials and tools to operationalize and disseminate the conceptual and methodological framework and lists of illustrative indicators outlined in HRI/MC/2008/3, was also being prepared.

45. Participants stressed the importance of indicators for the assessment of the implementation of human rights at the national level. They highlighted the need for further sensitization workshops and consultations and the development of practical tools to facilitate identification and use of contextually relevant indicators at the country level in compliance with human rights standards. The list of illustrative indicators identified was designed as a "toolbox" for country-level stakeholders initiating work in this area, and efforts had been made to keep the indicators simple, based on objective and transparent methodology. There was no attempt to formulate a list of indicators to be applied across all countries irrespective of their social, political and economic development, nor to create a global measure for cross-country comparisons of the realization of human rights. Benchmarks should be used together with indicators, and it was necessary to have relevant disaggregated indicators, including for persons with disabilities. The use of indicators in relation to the guidelines for States parties' reporting should also be considered further.

VIII. Draft points of agreement of the ninth inter-committee meeting

46. The ninth inter-committee meeting decided on the following draft points of agreement, to be transmitted to the twenty-first meeting of chairpersons:

Inter-committee meeting

(a) The ninth inter-committee meeting reiterated the view that inter-committee meetings provide a useful forum for discussing matters of mutual concern and the process of harmonization among the human rights treaty bodies.

(b) The ninth inter-committee meeting decided that the agenda items for the tenth inter-committee meeting would include, inter alia, follow-up to concluding observations and views and the universal periodic review mechanism of the Human Rights Council.

Universal periodic review mechanism of the Human Rights Council

(c) The ninth inter-committee meeting repeated its recommendation that the Secretariat routinely make available to the treaty bodies the compilations prepared by OHCHR for the universal periodic review mechanism, as well as the output of the reviews.

(d) The ninth inter-committee meeting reiterated the recommendations of previous meetings that human rights treaty bodies should consider further prioritizing concerns in their concluding observations so that these are appropriately reflected in the compilations that contain summaries of United Nations information, including treaty body information, and are prepared by OHCHR.

(e) The ninth inter-committee meeting repeated its recommendation that treaty bodies continue to refer to the pledges and commitments made by States parties in the context of universal periodic review during their dialogue with States parties and concluding observations.

(f) The ninth inter-committee meeting encouraged the universal periodic review mechanism to take into account the recommendations and views of treaty bodies. The ninth inter-committee meeting encouraged the Secretariat to prepare a compilation of how the output of treaty bodies has been used in the universal periodic review mechanism process and vice-versa.

Follow-up to concluding observations

(g) The ninth inter-committee meeting reiterated the recommendation of previous meetings that each treaty body consider adopting a procedure within a reasonable period of time to ensure effective follow-up to concluding observations, such as the appointment of a rapporteur on follow-up or any other appropriate mechanism.

(h) The ninth inter-committee meeting reiterated the recommendation of previous meetings that additional resources be allocated to follow-up activities,

including for workshops, meetings and, on the invitation of the State party concerned, country visits. The ninth inter-committee meeting also emphasized the important role played by national human rights institutions and civil society, including NGOs, in respect of follow-up at the national level.

(i) The ninth inter-committee meeting decided that the tenth inter-committee meeting would be devoted to discussion of follow-up to concluding observations and views of treaty bodies in order to, inter alia, identify best practices in respect of follow-up and consider possible areas of harmonization in this respect.

Independence of experts

(j) The ninth inter-committee meeting reiterated the solemn statement made by the eighth meeting of persons chairing the human rights treaty bodies (see A/52/507, paras. 67-68) in 1997 about the necessity to safeguard the independence of treaty body experts.

Consideration of a State party in the absence of a report

(k) The ninth inter-committee meeting noted the existing practice of various treaty bodies to review the implementation of their respective treaty in a State party in the absence of a report where it was long overdue. The ninth inter-committee meeting welcomed the information provided by the Secretariat on non-reporting States and looked forward to further consultation on that issue. It also encouraged OHCHR and other United Nations agencies to engage in capacity-building and technical assistance activities with a view to facilitating the timely submission of reports by States parties.

Informal consultations with States parties

(l) The ninth inter-committee meeting appreciated the dialogue with States parties and emphasized that the informal consultations with States parties provided an important platform for dialogue and interaction and recommended that meetings be convened with specific and focused agendas. The ninth inter-committee meeting highlighted that informal consultations complement informal consultations between individual treaty bodies and States parties.

Access to treaty body deliberations

(m) The ninth inter-committee meeting re-emphasized the necessity of making the work of treaty bodies more widely known and encouraged the treaty bodies that had not already done so to discuss media strategies and also work towards a common media strategy, with the assistance and advice of OHCHR. The inter-committee meeting also reiterated its recommendation that OHCHR explore alternative means of facilitating the broadest public access to the treaty body public examinations of periodic reports, including the possibility of webcasting, the use of other modern technologies, and making audio files readily available. The ninth inter-committee meeting highlighted the need for allocation of adequate financial resources in this respect.

Human and financial resources

(n) The ninth inter-committee meeting reiterated the recommendation of previous meetings that OHCHR should allocate additional human and financial resources for the Human Rights Treaties Branch in order to ensure effective and continuous support for the work of the treaty bodies.

Standardization of terminology and cross-referencing the work of other treaty bodies

(o) The ninth inter-committee meeting requested the Secretariat to prepare a comparative study on the use of terminology across the treaty bodies with a view to standardizing terminology to the furthest extent possible. The Secretariat was also requested once again to conduct a study on the extent to which treaty bodies cross-reference the work of other treaty bodies. The inter-committee meeting will revisit both issues at its eleventh meeting in 2010.

Identity of the country rapporteurs

(p) Noting the collective responsibility of each treaty body in adopting concluding observations and that the majority of treaty bodies make the identity of the country rapporteurs public, the ninth inter-committee meeting encouraged harmonization in this context.

Task forces

(q) The ninth inter-committee meeting invited each treaty body to consider discussing the practices relating to the formation of thematic and country task forces and the role of such task forces and to report back to the eleventh inter-committee meeting on this issue.

Accessibility

(r) The ninth inter-committee meeting welcomed the participation of the Chairperson and another member of the Committee on the Rights of Persons with Disabilities and emphasized that disability access is the concern of every Committee. The ninth inter-committee meeting recommended that all treaty bodies, OHCHR and other United Nations agencies improve access for persons with disabilities to the United Nations system, and in particular the treaty bodies, including through facilitating such access, inter alia, with respect to documentation.

Cooperation with national human rights institutions

(s) The ninth inter-committee meeting reiterated recommendations of previous meetings that treaty bodies continue their cooperation with national human rights institutions that conform to the Paris Principles (General Assembly resolution 48/134, annex). In addition, it encouraged continued dialogue with the bureau of the

International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights to enhance and strengthen the interaction between national human rights institutions and treaty bodies, in line with the current practice of certain treaty bodies.

(t) The ninth inter-committee meeting also encouraged States parties to allocate the necessary human and financial resources and to provide adequate protection to national human rights institutions.

Cooperation with non-governmental organizations

(u) The ninth inter-committee meeting underlined the great value of broad NGO participation in providing information to treaty bodies. The Secretariat was encouraged to facilitate the participation of national NGOs from all countries, in particular from developing countries.

(v) The ninth inter-committee meeting noted with appreciation the suggestions presented to the meeting in a joint NGO submission and invited each treaty body to consider the suggestions of relevance to it.

(w) The ninth inter-committee meeting reiterated recommendations of previous meetings that NGOs send information well in advance of treaty body sessions to allow committee members the opportunity to take those important submissions into account, including for the preparation of lists of issues, and to continue to disseminate the conclusions of the treaty bodies and report on their implementation. The ninth inter-committee meeting also recommended that NGOs continue to explore possibilities for submitting joint reports, including through NGO networks and coalitions. The ninth inter-committee meeting noted the diverse practices of treaty bodies with regard to the protection of the sources of information, including from possible reprisals.

(x) The ninth inter-committee meeting recommended that the Secretariat continue to enhance the contributions of NGOs to the work of treaty bodies, including by establishing a user-friendly master calendar that would provide information well in advance on the timetable for all the treaty bodies and for contributions relating to lists of issues and alternative reports for country reviews. The Secretariat was also encouraged to further improve the simplicity and accessibility of the OHCHR website, including the web pages of each treaty body and, in particular, that of the Committee on the Rights of Persons with Disabilities. The ninth inter-committee meeting also encouraged the treaty body secretariats that had not already done so to develop an information note on NGO participation in their respective treaty bodies.

Ratification of the international human rights treaties

(y) The ninth inter-committee meeting reiterated the recommendation of previous meetings that, in their constructive dialogue with States parties and in their concluding observations, all the treaty bodies should actively promote ratification of the other international human rights treaties, consistent with their working practice, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities, and the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights.

Statistical information relating to human rights

(z) The ninth inter-committee meeting welcomed the preparation of the user manual and related web tools to help operationalize and disseminate the lists of illustrative indicators outlined in HRI/MC/2008/3. In developing the resource materials, the ninth inter-committee meeting recommended that the Secretariat further consult States parties, treaty bodies, United Nations entities and other stakeholders at the country level in relation to reporting and follow-up to concluding observations. The Secretariat is requested to brief all treaty bodies periodically on this work, in particular on the development of the user manual and activities undertaken at country level.